

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> the application of)	
)	Examiner: B. Krasnic
Roy S. BERNS et al.)	
)	Art Unit: 2624
Application No. 10/700,772)	
)	Docket No. MIPFP062
Filed: November 3, 2003)	
)	Date: September 18, 2008
For: PRODUCTION OF COLOR)	
CONVERSION PROFILE)	Confirmation No. 6341
FOR PRINTING)	
)	

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321 TO OBVIATE OBVIOUSNESS-
TYPE DOUBLE PATENTING REJECTION**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Seiko Epson Corporation and Rochester Institute of Technology, the owners of the entire interest in the above-identified application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing from U.S. Application No. 10/700,658 by Roy S. Berns et al. (“the ‘658 application”), as presently shortened by any terminal disclaimer. The owners hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent issuing from the ‘658 application are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing from the ‘658 application, as presently shortened by any terminal disclaimer, in the event that

U.S. Application No. 10/700,772
Terminal Disclaimer dated September 18, 2008

it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any matter terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

Applicants are concurrently submitting the disclaimer fee of \$130.00 as part of the online filing process. If any additional fees are required to facilitate consideration of this paper, then such fees should also be charged to Deposit Account No. 50-0805 (Order No. MIPFP062).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

/Peter B. Martine/

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Date: September 18, 2008

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